

ENTERED

August 30, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUDY ANN SHAW,

Plaintiff,

v.

UNITED AIRLINES, INC. and
AIR SERV CORPORATION,

Defendants.

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CIVIL ACTION H-17-267


ORDER

Pending before the court is a motion for partial summary judgment as to causation filed by defendants United Airlines, Inc. and Air Serv Corporation (“Defendants”). Dkt. 27. Having considered the motion, response, applicable law, and the evidence, the court is of the opinion that the motion should be DENIED.

A court shall grant summary judgment when a “movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “[A] fact is genuinely in dispute only if a reasonable jury could return a verdict for the nonmoving party.” *Fordoché, Inc. v. Texaco, Inc.*, 436 F.3d 388, 392 (5th Cir. 2006). The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S. Ct. 2548 (1986). If the party meets its burden, the burden shifts to the non-moving party to set forth specific facts showing a genuine issue for trial. Fed. R. Civ. 56(c). The court must view the evidence in the light most favorable to the non-movant and draw all justifiable inferences in favor of the non-movant. *Env’tl. Conservation Org. v. City of Dall.*, 529 F.3d 519, 524 (5th Cir. 2008).

Defendants are not entitled to partial summary judgment as to causation because they failed to show the absence of a genuine issue of material fact. A fact issue exists on whether Shaw has provided sufficient evidence of causation. *Compare* Dkt. 27 at 4–5, *with* Dkt. 30 at 6–8. As a result, Defendants’ motion (Dkt. 27) is DENIED.

Signed at Houston, Texas on August 30, 2018.



Gray H. Miller
United States District Judge